

FURST, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE BOARD OF TRUSTEES OF THE  
OPERATING ENGINEERS PENSION  
TRUST, on Behalf of Itself and All Others  
Similarly Situated,

Plaintiffs,

vs.

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION,

Defendant.

Civil Action No. 09-cv-09333-KBF

CLASS ACTION

~~[PROPOSED]~~ ORDER APPROVING PLAN  
OF ALLOCATION OF SETTLEMENT  
PROCEEDS

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: NOV 20 2013

This matter having come before the Court on November 19, 2013, on Lead Plaintiff's motion for approval of the Plan of Allocation of the settlement proceeds in the above-captioned action; the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

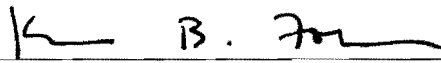
1. For purposes of this Order, the terms used herein shall have the same meanings as set forth in the Stipulation of Settlement dated August 16, 2013 ("Stipulation"), and filed with the Court.

2. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to all persons who are Class Members who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to all persons and entities who are Class Members to be heard with respect to the Plan of Allocation.

3. The Court finds and concludes that the formula for the calculation of the claims of Authorized Claimants, which is set forth in the Notice of Proposed Settlement of Class Action Litigation, Final Approval Hearing, and Motion for Attorneys' Fees, Expenses and Lead Plaintiff's Case Contribution Award (the "Notice") sent to Class Members, provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund established by the Stipulation among the Class Members, with due consideration having been given to administrative convenience and necessity. This Court finds and concludes that the Plan of Allocation, as set forth in the Notice, is, in all respects, fair and reasonable and the Court approves the Plan of Allocation.

IT IS SO ORDERED.

DATED: 11/19/13

  
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THE HONORABLE KATHERINE B. FORREST  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2013, I submitted the foregoing to [judgments@nysd.uscourts.gov](mailto:judgments@nysd.uscourts.gov) and e-mailed to the e-mail addresses denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 12, 2013.

s/ Stephen R. Astley

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